

Kootenai County Department of Legal Services  
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Attorney for Kootenai County  
Coeur d'Alene Airport

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of Applications of	)	WT DOCKET NO. 02-179
	)	
RESORT AVIATION SERVICES, INC.	)	
	)	
For Renewal of Aeronautical Advisory	)	
Station WYT9, Coeur d'Alene Airport,	)	OBJECTION TO THE TAKING OF THE
Hayden, Idaho	)	DEPOSITION OF LARRY BOOHER
	)	
and	)	
	)	
KOOTENAI COUNTY COEUR	)	
D'ALENE AIRPORT	)	
	)	
For a New Aeronautical Advisory	)	
Station at Coeur d'Alene Airport,	)	
Hayden, Idaho	)	
_____	)	

COMES NOW, Kootenai County Coeur d'Alene Airport, by and through its attorney of record, John A. Cafferty, Kootenai County Department of Legal Services, and, pursuant to 47 CFR §1.319, hereby files its objection to the taking of the deposition of Larry Booher.

Kootenai County objects to the substance of the proposed examination of Larry Booher based upon the subpoena issued by Administrative Law Judge Steinberg on

November 21, 2002. This objection is filed contemporarily with Applicant Kootenai County's Motion for Protective Order pursuant to 47 CFR §§1.313, 1-319.

Pursuant to 47 CFR §1.315(b) Responsive Pleadings, a motion opposing the taking of depositions must be filed within seven (7) days of service of the Notice to Take Depositions. Applicant Kootenai County requests relief from the seven-day (7) time limit for the following reasons:

The Notice of Deposition of Larry Booher states:

The subject matter upon which Witness Larry Booher is to be examined shall include the nature of operations of Larry Booher, Southfield Fuel, Inc., and Heliprop Aircraft, Inc., on the Coeur d'Alene Airport, the relationship of said person and business with Airport Manager Greg Delavan and other employees of Kootenai County at the Airport, their knowledge, experience, and competence with Unicom operations and their expectations toward becoming an authorized Unicom operator at the Coeur d'Alene Airport if the results of these proceedings so allow.

The subpoena issued by Administrative Judge Steinberg on November 21, 2002, states:

You are hereby ordered. . .to testify in the above-captioned matter and to bring with you and to produce then and there the following books, papers and documents: copies of all invoices, sales, receipts, correspondence, commercial transactions and related documents between you and your companies with Greg Delavan and/or Waterwings, Inc., or Waterwings, LLC, between January 1, 1999, and November 1, 2002.

The subpoena issued by this tribunal on November 21, 2002, and received by Applicant Kootenai County on November 22, 2002, differs greatly from the Notice of Deposition filed prior by Applicant Resort Aviation Services, Inc. To bind the Applicant Kootenai County to the requirements of 47 CFR §1.315 when the matters which the deposition of Mr. Booher are to bear upon were not only undisclosed to Kootenai County but obviously, by comparing the Subpoena to the Notice of Deposition, purposely withheld

to avoid the ability of Applicant Kootenai County to object, would be a miscarriage of justice.

In addition to the irrelevance of the information requested in the subpoena and its lack of assistance to the tribunal in determining which applicant is better fit to operate the Unicom at the Coeur d'Alene Airport, it can serve no purpose to Resort Aviation Services, Inc., except to embarrass and annoy the deponent and Greg Delavan.

For the reasons stated above, Kootenai County respectfully requests relief from the seven-day (7) requirement for responsive pleading pursuant to 47 CFR § 1.315 as justice clearly requires. Kootenai County further requests that it be allowed to object at this time due to the obvious intent of Applicant Resort Aviation Services, Inc. to circumvent the process.

DATED this 25<sup>th</sup> day of November, 2002.

(SIGNED)

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John A. Cafferty  
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Coeur d'Alene, ID 83816-9000  
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CERTIFICATE OF SERVICE

I HEREBY certify that on this 25<sup>th</sup> day of November, 2002, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

☐ U.S. Mail  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELEFAX (FAX)

SCOTT REED  
ATTORNEY AT LAW  
P. O. BOX A  
COEUR D'ALENE, ID 83816  
FAX: (208) 765-5117

☐ U.S. Mail  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
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DANA LEAVITT  
ATTORNEY AT LAW  
INVESTIGATIONS AND HEARINGS DIVISION FEDERAL COMMUNICATIONS  
COMMISSION  
445 12TH STREET S. W. - ROOM 3-B443  
WASHINGTON, D. C. 20554  
FAX (202) 418-2644

☐ U.S. Mail  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELEFAX (FAX)

ADMINISTRATIVE LAW JUDGE ARTHUR L. STEINBERG  
FEDERAL COMMUNICATIONS COMMISSION  
445 12<sup>TH</sup> STREET, S.W., ROOM 1-C861  
WASHINGTON, D.C. 20054  
FAX (202) 418-0195

☒ U.S. Mail  
☐ HAND DELIVERED  
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LARRY BOOHER  
SOUTHFIELD FUEL, INC.  
P. O. BOX 2811  
HAYDEN LAKE, ID 83835

By: (SIGNED) \_\_\_\_\_  
John A. Cafferty  
Attorney for Kootenai County Coeur d'Alene Airport